

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
ACKLEY, JR. et al.

Serial No. 10/705,821

Filed: November 13, 2003



Atty. Ref.: 4389-5

TC/A.U.: 2877

Examiner: Hoa Q. Pham

Confirmation No.: 7840

For: PRINTING/INSPECTION UNIT, METHOD AND APPARATUS FOR
PRINTING AND/OR INSPECTING AND ACCEPTING/REMOVING
SPECIFIED PELLET-SHAPED ARTICLES FROM A CONVEYER
MECHANISM

* * * * *

March 29, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

Listed on accompanying Form PTO/SB/08a is information that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. At least one of the boxes below applies to the present application:

1. ☐ This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.

03/30/2006 JADD01 00000087 10705821

03/30/2006

100.00 OP

a. ☐ Contingent Request to Treat Under 37 C.F.R. § 1.97(c)

In the event a first Office Action has been mailed prior to filing of the present Information Disclosure Statement and the Office Action was mailed more than three months since the filing of the application (for regular

applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(c) and charge the undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.

b. ☐ Contingent Request to Treat Under 37 C.F.R. § 1.97(e)(1)

In the event a first Office Action has been mailed prior to the filing of the present Information Disclosure Statement, and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(e)(1) in that the undersigned hereby states that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

b.1. ☐ Patent Term Adjustment

I hereby certify that each item of information was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in Section 1.56(c) more than 30 days prior to the filing of the Information Disclosure Statement. 37 C.F.R. §1.704(d).

c. ☐ Contingent Request to Treat Under 37 C.F.R. § 1.97(e)(2)

In the event a first Office Action has been mailed prior to the filing of the present Information Disclosure Statement, and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(e)(2) in that the undersigned hereby states that no item of information in this

Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

2. ☒ This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

a. ☐ I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1). Contingent Request Under 37 C.F.R. § 1.97(d). In the event a Notice of Allowance or a Final Rejection has been mailed prior to filing this Information Disclosure Statement, the Office is authorized to treat this as a submission under 37 C.F.R. 1.97(d) and charge the undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.

a.1. ☐ Patent Term Adjustment

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b. ☐ I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent

office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

c. ☒ Attached is our check in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

3. ☐ This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee 37 C.F.R. § 1.97(d). It is hereby requested that the Information Disclosure Statement be considered. Attached is our check in the amount of \$ in payment of the fee under 37 C.F.R. § 1.17(i).

a. ☐ I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

a.1. ☐ Patent Term Adjustment

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b. ☐ I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated

in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

4. ☐ Relevance of the non-English language document(s) is discussed in the present specification.

5. ☐ The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report or official action is attached for the Examiner's information. See MPEP § 609.

a. ☐ U.S. Patent No. _____ is indicated in the foreign search report or Official Action as being in the same patent family and/or the English-language equivalent of _____ listed on the attached foreign search report.

6. ☐ A concise explanation of the relevance of the non-English language document(s) appears below:

7. ☐ Copies of the documents were cited by or submitted to the Office in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

8. ☐ The publication date (e.g., month or year) of at least one of the listed documents is not available. For each document in this category, the Office is requested to assume that the year of publication of each listed document is earlier than the effective U.S. filing date and/or any foreign priority date.

9. ☐ The publication date of at least one document is listed on the attached PTOPTO/SB/08a based on information presently available to the undersigned. However, each listed publication date should not be construed as an admission that the information was actually published on the date indicated, and the right to challenge each listed publication date is expressly reserved by Applicant(s).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTOPTO/SB/08a, and to indicate in the official file wrapper of this patent application that the documents have been considered.

ACKLEY, JR. et al.
Serial No. 10/705,821

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 14-1140 referencing docket number 4389-5.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



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Sheet 1 of 2

INFORMATION DISCLOSURE
CITATION

ATTY. DOCKET NO.

SERIAL NO.

4389-5

10/705,821

APPLICANT

ACKLEY, JR. et al.

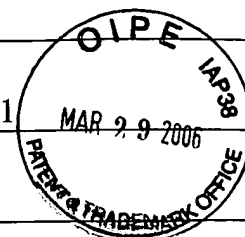
(Use several sheets if necessary)

FILING DATE

TC/A.U.

November 13, 2003

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U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	US 2004/0091594 A1	05/2004	ACKLEY, JR. et al.			
	US 2003/0035870 A1	02/2003	ACKLEY, JR. et al.			
	US 2003/0013778 A1	01/2004	ACKLEY, JR. et al.			
	1,134,822	03/1920	VARBLE			
	2,613,594	10/1954	KING			
	3,052,552	09/1962	KOERNER et al.			
	4,371,081	02/1983	SATAKE			
	4,619,196	10/1986	MATSUOKA			
	4,630,736	12/1986	MAUGHAN et al.			
	4,632,028	12/1986	ACKLEY			
	4,699,274	10/1987	SAIKA			
	4,905,589	03/1990	ACKLEY			
	5,148,923	09/1992	FRAENKEL et al.			
	5,165,340	11/1992	KARLYN et al.			
	5,220,400	06/1993	ANDERSON et al.			
	5,429,045	07/1995	KARLYN et al.			
	5,443,164	08/1995	WALSH et al.			
	5,553,536	09/1996	VANOS			
	5,638,961	06/1997	SATAKE et al.			
	5,669,511	09/1997	SATAKE et al.			
	5,730,048	03/1998	AVERILL et al.			
	5,735,402	04/1998	PEZZOLI et al.			
	6,267,997	07/2001	REAM et al.			

FOREIGN PATENT DOCUMENTS

DOCUMENT	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
0442782A1	08/1991	EUROPE			
0596328A2	08/1994	EUROPE			
0919377A1	06/1999	EUROPE			
62-138279	06/1987	JAPAN			
DE3836142 A1	06/1999	GERMANY			
WO 00/74938	12/2000	PCT			
WO 81/01232	05/1981	PCT			
WO 91/01884	02/1991	PCT			
WO 97/16075	05/1997	PCT			

OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)

*Examiner

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

ATTY. DOCKET NO.

4389-5

APPLICANT

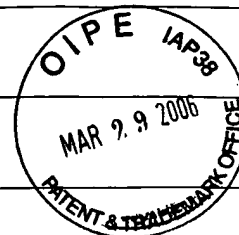
ACKLEY, JR. et al.

SERIAL NO.

10/705,821

TC/A.U.

2877



(Use several sheets if necessary)

November 13, 2003

*EXAMINER					FILING DATE		
INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	IF APPROPRIATE	
	3,215,536	11/1965	SIMEONE et al.				
	3,335,658	08/1967	USCHMANN				
	3,735,699	05/1973	KOELSCHBACH				
	4,397,871	08/1983	MEYER et al.				
	4,519,310	05/1985	SHIMIZU et al.				
	4,578,273	03/1986	KRUBERT				
	4,670,271	06/1987	PASTERNAK				
	4,843,958	07/1989	EGOSI				
	4,855,146	08/1989	MURAKAMI et al.				
	5,376,388	12/1994	MEYERS				
	5,505,775	04/1996	KITOS				
	5,534,281	07/1996	PAPPAS et al.				
	5,630,499	05/1997	LOUDEN et al.				
	5,834,047	11/1998	AHN				
	5,878,658	03/1999	ACKLEY				

FOREIGN PATENT DOCUMENTS

[illegible]

OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)

[illegible]

*Examiner

Date Considered

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